

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

SHELBY COUNTY HEALTHCARE  
CORPORATION, d/b/a REGIONAL  
MEDICAL CENTER

Plaintiff,

v.

No. 06-2549

THE MAJESTIC STAR CASINO, LLC  
GROUP HEALTH BENEFIT PLAN,

Defendant.

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ORDER GRANTING THE DEFENDANT’S MOTION TO STAY THE JUDGMENT

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The Plaintiff, Shelby County Health Care Corporation d/b/a Regional Medical Center (“the Med”), filed the instant action against the Defendant, The Majestic Star Casino, LLC Group Health Benefit Plan (“the Plan”) pursuant to the Employee Retirement Income Security Act of 1974, 29 U.S.C. §§ 1001-1461 (“ERISA”), seeking review of the plan administrator’s decision to deny coverage for medical services provided by the Plaintiff to Damon Weatherspoon, who was enrolled in the Plan through his employer, Fitzgerald Casino. The Court previously granted the Plaintiff’s motion for judgment on the administrative record, denied the Plan’s motion for judgment on the administrative record, and reversed the denial of benefits. (Docket Entry (“D.E.”) No. 18.) The Defendant has filed a motion to reconsider that Order pursuant to Rule 59(e) of the Federal Rules of Civil Procedure, in part on the basis of newly discovered evidence. (D.E. No. 20.) Also pending before the Court is the Plan’s motion to stay the judgment pending the resolution of its motion to reconsider. (D.E. No. 22.) The Plaintiff has responded and this motion is ripe for adjudication.

Federal Rule of Civil Procedure 62(b) permits courts to stay the execution of a judgment pending the resolution of a Rule 59 motion to alter or amend. Courts are not required to grant a stay in all cases, but may grant relief at their discretion and “on such conditions for the security of the adverse party as are proper.” Donellan Jerome, Inc. v. Trylon Metals, Inc., 270 F. Supp. 996, 999 (N.D. Ohio 1967). Exercising its discretion to do so, the Court hereby GRANTS the Plan’s motion to stay execution of the judgment pending resolution of its Rule 59(e) motion and ORDERS the Defendant to post a bond with the Clerk of the Court in the amount of the judgment entered against it.

**IT IS SO ORDERED** this 13th day of May, 2008.

s/ J. DANIEL BREEN  
UNITED STATES DISTRICT JUDGE